

1982 No. 1283

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1982

Made - - - 8th September 1982

Laid before Parliament 13th September 1982

Coming into Operation 4th October 1982

The Secretary of State for Social Services, in exercise of powers conferred by sections 29, 41, 42, 43 and 127 of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1982 and shall come into operation on 4th October 1982.

Amendment to regulations

2.—(1) The National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(b) shall be amended in accordance with the following provisions of this regulation.

(2) For regulation 3(1) (Scope of Services) there shall be substituted the following paragraph —

“3.—(1) The services for the provision of which it is the duty of an Authority, in accordance with regulations under sections 29 and 41 to 43 of the National Health Service Act 1977, to make arrangements which under section 15 of that Act or section 2(4) of the Health Services Act 1980(c) it is the duty of the Committee to administer, shall include —

- (a) all necessary and appropriate personal medical services of the type usually provided by general medical practitioners;
- (b) the giving by doctors of advice to women on contraception, the medical examination of women seeking such advice, the treatment of such women and the supply to such women of contraceptive substances and appliances (which services are hereinafter referred to as ‘contraceptive services’); and

(a) 1977 c.49; sections 41, 42 and 43 were amended by sections 20(1), 21(1) and 21(2) of the Health Services Act 1980 (c.53); sections 29, 41, 42 and 43 were amended by paragraphs 42, 53, 54 and 55 respectively of Schedule 1 to that Act; sections 29 and 41 were also amended by paragraphs 93 and 95 respectively of Schedule 1 to that Act.

(b) S.I.1974/160; relevant amending instruments are S.I.1975/719, 1976/1407, 1982/288.

(c) 1980 c.53.

(c) in accordance with and to the extent provided for by these regulations, the provision by doctors of pharmaceutical services.”.

(3) In regulation 4(2)(b) (Medical list in relation to contraceptive services) after the words “patients for whom they” there shall be inserted the words “or their partners”.

(4) In regulation 18 (Change of doctor) —

(a) in paragraph (6) after the words “on the list of” there shall be inserted the words “or who have been accepted for the provision of contraceptive services by”;

(b) for paragraph (7) there shall be substituted the following paragraph —

“(7) The notice under the preceding paragraph shall also state that the person to whom it is given shall, where such person —

(a) was on the list of the doctor who last carried on the practice, be deemed to be on the list of a successor specified in the notice as from a date so specified;

(b) has been accepted for the provision of contraceptive services by the doctor who last carried on that practice, and the successor notified to such person has undertaken to provide contraceptive services to, at least, the same extent as his predecessor, be deemed to have been accepted by that successor for the provision of contraceptive services to the like extent and for the remainder of the term for which that person had been so accepted by the former doctor;

unless such person, within 14 days after the date specified in such notice, gives notice in writing to the Committee of his desire not to be deemed to be so included or accepted.”.

(5) In regulation 24(1)(g) (Payments to doctors) at the end there shall be added the words “and qualifying services provided by a spouse or other relative;”.

(6) In Part VIII before regulation 30 there shall be inserted the following regulation —

“Supply for immediate treatment or personal administration

29B. A doctor —

(a) shall supply to a patient any drug or appliance where such supply is needed for the immediate treatment of that patient before a supply can be otherwise obtained;

(b) may supply to a patient any drug or appliance which he personally administers, or as the case may require, applies to that patient.”.

(7) In Part I of Schedule 1 (Terms of service for doctors) —

(a) in paragraph 8(a) after the words “medical services” there shall be inserted the words “or contraceptive services”;

(b) For paragraph 17 there shall be substituted the following paragraph —

“17.—(1) Without prejudice to paragraph 16(1) in relation to his obligation under these terms of service, a doctor is responsible for all

acts and omissions of any doctor acting as his deputy, whether or not he is a partner or assistant, or of any deputising service while acting on his behalf or of any person employed by, or acting on behalf of, him or such a deputy or deputising service, provided that a doctor shall not be responsible for any act or omission for which a deputy is responsible under sub-paragraph (2).

(2) A doctor, whose name is included on the medical list, when acting as deputy to another doctor whose name is also included on that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the doctor for whom he acts as deputy and for the acts and omissions of any person employed by him or acting on his behalf.”;

(c) in paragraph 31 for the words “for his patients” there shall be substituted the words “to his patients or their personal representatives”.

(d) in paragraph 32 there shall be added at the end the following two sub-paragraphs —

“(k) for prescribing or supplying medicine for a patient who requires to have it in his possession solely in anticipation of the onset of an ailment while he is outside the United Kingdom but for which he is not requiring treatment when the medicine is prescribed or supplied;

(l) for a medical examination to enable a decision to be made whether or not it is inadvisable on medical grounds for a person to wear a seat belt.”;

(e) in paragraph 37(2) for the letters “DD” there shall be substituted the letters “CD”.

(8) In Part II of Schedule 1 (Application for inclusion in the medical list) in sub-paragraph (b) of the last paragraph after the word “I” there shall be inserted the words “or my partners”.

(9) In Part III of Schedule 1 (Application for filling a vacancy) in paragraph 1(1)(b) of Part B after the word “I” there shall be inserted the words “or my partners”.

(10) In Schedule 3 (List of prescribed medical certificates) in column 2 opposite the first three items in column 1 there shall be inserted at the end “Parts I and III of the Social Security and Housing Benefits Act 1982 (1982 c.24).”.

3. Paragraph 35 of Schedule 1 to the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 is hereby revoked.

Signed by authority of the Secretary of State for Social Services.

K. Clarke,
Minister of State,

8th September 1982.

Department of Health and Social Security.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make a number of miscellaneous amendments to the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 regulating the terms on which doctors provide such services. The amendments authorise a doctor to supply drugs and appliances to patients where he administers them personally (regulation 2(6)); enable him to receive fees from a patient for prescribing or supplying medicine in case he should suffer from an illness abroad and for a medical examination to determine whether he should be exempted from wearing a seat belt (regulation 2(7)(d)). They also provide for the making of payments by the Family Practitioner Committee in respect of salary paid to a spouse or other relative who works for a doctor (regulation 2(5)). They require a doctor to issue medical certificates under the regulations to a patient's personal representative as an alternative to the patient himself (regulation 2(7)(c)) and add to the list of such certificates those for the purpose of the statutory sick pay scheme under the Social Security and Housing Benefits Act 1982 (c. 24) (regulation 2(10)). They make minor changes in the provisions relating to contraceptive services by doctors (regulations 2(3), (4), (7)(a), (8) and (9)). Regulations 2(2), (7)(b) and (e) are drafting improvements for clarification and correction of references.

SI 1982/1283
ISBN 0-11-027283-8

